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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,850	08/26/2003	Guillaume Sebire	915-007.045	3860
4955 7590 05/31/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER WILSON, ROBERT W	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,850

Applicant(s)

SEBIRE, GUILLAUME

Examiner

Robert W. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 3,4,7 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claims 3-4, 7, & 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13 & 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 13 & 22, these claims are directed to a software program product which falls under the category of a judicial exception which is non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 5-6, 8, 10-13 are rejected under 35 U.S.C. 102(B) as being anticipated by Ohkubo (Patent Publication No.: US2001/0046877).

Referring to claim 1, Ohkubo teaches: A method supporting a switch from a point-to-multipoint channel to a point-to-point channel for transmitting multicast data from a mobile communication network to a mobile station said method (method is performed by Figure 1) comprising:

said mobile station determining a link quality of the point-to-multipoint channel based on link quality related measurement on said point-to-multipoint channel based on link quality related measurement on said point-to-multipoint channel which point-to-multipoint channel is currently

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used by said mobile communication network for transmitting multicast data (Mobile (21) determines quality of link (4) based upon measuring as shown per Fig 1. The examiner interprets when the power to all of the mobile stations are the same then point-to-multipoint channel is used and when the power for the multicast signal is different then a point-to-point multicast signal is received. The examiner also interprets sending the power measurement value to the base as a request for either a point-to-multipoint or point-to-point multicast signal and based upon the value of the power measurement the base station either sends the multicast signal to the mobile with all the same power or point-to-multipoint or different power or point to point per Pg 2 Para [0029] to Pg 3 Para [0040])

Referring to claim 2, further comprising said network establishing a point-to-point channel in case said determined link quality lies below a link quality (base station determines if received power measurement parameter below min value per Pg 3 Para [0041] to Pg 4 Para[0045])

Regarding claim 5, further comprising said network providing an indication of said given link quality to said mobile station (Base station can provide reference value to mobile per col. 4 para [0046] to Para [0049])

Regard claim 6, further comprising said network provides an indication of said given link quality to said mobile station for each multicast service for which multicast data is to be transmitted to said mobile station (Base station can provide reference value to mobile per col. 4 para [0046] to Para [0049] for the one and only service provided)

Referring to claim 8, further comprising supporting a switch from a point-to-point channel to a point-to-multipoint channel for transmitting multicast data from a mobile communication network (The base station will switch from using a unique powered value to a mobile or point-to-point to using the same value as is used for all of the other mobiles or point-to-multipoint per Pg 2 Para [0029] to Pg 3 Para[0040])

Said mobile communication network estimating a link quality of a point-to-multipoint channel while transmitting multicast data on a point to point channel to said mobile station (Mobile (21) determines quality of link (4) based upon measuring and since the same link connection is used to the mobile for both point to point and point to multipoint the link quality is estimated per Pg 2 Para [0029] to Pg 3 Para[0040])

And in case said estimated link quality of said point-to-multipoint channel reaches a required link quality said mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint for receiving said multicast data (If the power using a single power value is not adequate then the base can change the multicast signal to be back to the same as used by all of the other mobiles or point to multipoint per Pg 2 Para [0029] to Pg 3 Para [0040])

Referring to claim 10, Ohkubo teaches: mobile station (21 per Figure 1) comprising:

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A measuring portion (22 per Fig 1) for performing link quality related measurements on a point-to-multipoint channel via which said mobile station receives multicast data from a mobile communication network (11 per Fig 1)

A Processing portion (22 per Fig 1) for determining a link quality of a point-to-multipoint channel based on a measurement result provided by said measuring portion and for comparing a determine link quality with a given link quality

Transmitting portion for transmitting a requesting from said mobile communication network the transmission of said multicast data via a point-to-point channel in case said processing portion detects that a determined link quality of a point-to-multipoint channel employed for transmitting said multicast data lies between a give link quality (23 per Fig 1 transmits power parameter which the examiner interprets a request. The examiner also interprets sending the power measurement value to the base as a request for either a point-to-multipoint or point-to-point multicast signal and based upon the value of the power measurement the base station either sends the multicast signal to the mobile with all the same power or point-to-multipoint or different power or point to point per Pg 2 Para [0029] to Pg 3 Para[0040])

Referring to claim 11, Ohkubo teaches: A sub-network (11 per Fig 1) of a mobile communication network (Fig 1); said sub-network (11 per Fig 1) comprising:

Receiving a portion (12 per Fig 1) for receiving for receiving from a mobile station (21 per Fig 1) a request to switch from using point-to-multipoint channel to using a point-to-point channel for transmitting multicast data to said mobile station. The examiner also interprets sending the power measurement value to the base as a request for either a point-to-multipoint or point-to-point multicast signal and based upon the value of the power measurement the base station either sends the multicast signal to the mobile with all the same power or point-to-multipoint or different power or point to point per Pg 2 Para [0029] to Pg 3 Para[0040])

a processing portion (16 per Fig 1) for switching upon such a request received by said receiving portion from using a point-to-multipoint channel to using a point-to-point channel for transmitting multicast data to said mobile station

Referring to claim 12, Ohkubo teaches: a mobile communication system (Fig 1) comprising a mobile station (21 per Fig 1) and a sub-network (11 per Fig 1) of a mobile communication: network (Fig 1)

said mobile station (21 per Fig 1) including:

A measuring portion (22 per Fig 1) for performing link quality related measurements on a point-to-multipoint channel via which said mobile station receives multicast data from a mobile communication network (11 per Fig 1)

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A Processing portion (22 per Fig 1) for determining a link quality of a point-to-multipoint channel based on a measurement result provided by said measuring portion and for comparing a determine link quality with a given link quality

Transmitting portion for transmitting a requesting from said mobile communication network the transmission of said multicast data via a point-to-point channel in case said processing portion detects that a determined link quality of a point-to-multipoint channel employed for transmitting said multicast data lies between a give link quality (23 per Fig 1 transmits power parameter which the examiner interprets a request. The examiner also interprets sending the power measurement value to the base as a request for either a point-to-multipoint or point-to-point multicast signal and based upon the value of the power measurement the base station either sends the multicast signal to the mobile with all the same power or point-to-multipoint or different power or point to point per Pg 2 Para [0029] to Pg 3 Para[0040])

And Said subnetwork (11 per Fig 1) including:

Receiving a portion (12 per Fig 1) for receiving for receiving from a mobile station (21 per Fig 1) a request to switch from using point-to-multipoint channel to using a point-to-point channel for transmitting multicast data to said mobile station. The examiner also interprets sending the power measurement value to the base as a request for either a point-to-multipoint or point-to-point multicast signal and based upon the value of the power measurement the base station either sends the multicast signal to the mobile with all the same power or point-to-multipoint or different power or point to point per Pg 2 Para [0029] to Pg 3 Para[0040])

a processing portion (16 per Fig 1) for switching upon such a request received by said receiving portion from using a point-to-multipoint channel to using a point-to-point channel for transmitting multicast data to said mobile station

Referring to claim 13, Ohkubo teaches: a software program product in which a software code for supporting a switch from a point-to-multipoint channel to a point-to-point channel for transmitting multicast data from a mobile communication network to a mobile station is stored said software code realizing the following steps when running in a processing component of a mobile station (Processors 22 & 16 per Fig 1 have inherent memories and instructions or stored program) comprising:

determining a link quality of the point-to-multipoint channel based on link quality related measurement on said point-to-multipoint channel based on link quality related measurement on said point-to-multipoint channel which point-to-multipoint channel is used by said mobile communication network for transmitting multicast data (Mobile (21) determines quality of link (4) based upon measuring as shown per Fig 1. The examiner interprets when the power to all of the mobile stations are the same then point-to-multipoint channel is used and when the power for the multicast signal is different then a point-to-point multicast signal is received. The examiner also interprets sending the power measurement value to the base as a request for either a point-to-multipoint or point-to-point multicast signal and based upon the value of the power

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measurement the base station either sends the multicast signal to the mobile with all the same power or point-to-multipoint or different power or point to point per Pg 2 Para [0029] to Pg 3 Para[0040])

causing a request to said mobile communication network to transmit said multicast data via point-to-point channel in case said determined link quality lies below a given link quality Mobile (21) determines quality of link (4) based upon measuring as shown per Fig 1. The examiner interprets when the power to all of the mobile stations are the same then point-to-multipoint channel is used and when the power for the multicast signal is different then a point-to-point multicast signal is received. The examiner also interprets sending the power measurement value to the base as a request for either a point-to-multipoint or point-to-point multicast signal and based upon the value of the power measurement the base station either sends the multicast signal to the mobile with all the same power or point-to-multipoint or different power or point to point per Pg 2 Para [0029] to Pg 3 Para[0040])

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkubo (Patent Publication No.: US2001/0046877)

Referring to claim 9, Ohkubo teaches: the method of claim 8,

Ohkubo does not expressly call for: further comprising preventing a repeated switching between a point-to-point channel and point-to-multipoint channel for transmission of multicast data belonging to a single session of a multicast service as long as said mobile station remains within one cell served by said mobile communication network

Ohkubo teaches: as long as the power parameter received is reasonable then the same channel will be used per Pg 2 Para [0029] to Pg 3 Para [0040]

It would have been obvious to one of ordinary skill in the art at the time of the invention that the system would not switch between point-to-point channel and point-to-multipoint channel as long as long as power parameter sent by the mobile to the base station was within the range associated with associated with the point-to-point channel.

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8. Claims 14-16 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayyaggari (Patent Pub No.: US2004/0064508) in view of Toshiyuki (U.S. Patent No.: 5,093,924)

Referring to claim 14, Ayyaggari teaches: a method supporting a switch from point-to-point channel to a point-to-multipoint channel for transmitting multicast data from a mobile communication network to a mobile station (Traffic Channel (T-CH) can be point-to-point or point-multipoint for multicast data per Pg 2 Para [0026] to Pg 3 Para [0034] for any network with a central architecture per Pg 1 Para[0015] or mobile communication network (base) to mobile station)

Transmitting multicast data on a point-to point channel (Pg 2 Para [0026] to Pg 3 Para [0034])

Said Mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data (Any network with a central architecture per Pg 1 Para[0015] or mobile communication network (base) to mobile station. The central site or base station response from a request from the mobile to switch from a point-multipoint to point-point channel based upon channel sounding per Pg 2 Para [0026] to Pg 3 Para [0034])

Ayyaggari does not expressly call for: said mobile communication network estimating a link quality of a point-to-point-multipoint channel

Toshiyuki teaches: said mobile communication network estimating a link quality of a point-to-point-multipoint channel (col. 7 lines 13 to col. 8 line 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add mobile communication network estimating a link quality of a point-to-point-multipoint channel of Toshiyuki in place of the channel sounding of Ayyaggari because measurement of the interference is a method of channel sounding .

Referring to claim 15, the combination of Ayyaggari and Toshiyuki teach the method of claim 14

Ayyaggari does not expressly call for: comprising as a step preceding step: said mobile station performing link quality related measurements on said point-to-point channel which point-to-point channel is currently used for transmitting multicast data to said mobile and transmitting measurement results to said mobile communication network

Wherein said mobile communication network estimates said link quality of said point-to-point channel based on said measurement results for said point-to-point channel

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Toshiyuki teaches: comprising as a step preceding step: said mobile station performing link quality related measurements on said point-to-point channel which point-to-point channel is currently used for transmitting multicast data to said mobile and transmitting measurement results to said mobile communication network (col. 7 lines 13 to col. 8 line 37)

Wherein said mobile communication network estimates said link quality of said point-to-point channel based on said measurement results for said point-to-point channel (col. 7 lines 13 to col. 8 line 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the link measurement process of Toshiyuki to the mobile communication system processing of the combination of Ayyaggari and Toshiyuki in order to build a system which improves quality by measuring the interference.

Referring to claim 16, the combination of Ayyaggari and Toshiyuki teach the method of claim 15

Ayyaggari does not expressly call for: wherein said mobile station transmits said measurement results to said mobile communication network up a request from said mobile communication network

Toshiyuki teaches: comprising as a step preceding step: wherein said mobile station transmits said measurement results to said mobile communication network up a request from said mobile communication network (col. 7 lines 13 to col. 8 line 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add wherein said mobile station transmits said measurement results to said mobile communication network up a request from said mobile communication network of Toshiyuki to the mobile communication system processing of the combination of Ayyaggari and Toshiyuki in order to build a system which improves overall performance based upon interference measurements.

Referring to claim 22, Ayyaggari teaches: a method supporting a switch from point-to-point channel to a point-to-multipoint channel for transmitting multicast data from a mobile communication network to a mobile station (Traffic Channel (T-CH) can be point-to-point or point-multipoint for multicast data per Pg 2 Para [0026] to Pg 3 Para [0034] for any network with a central architecture per Pg 1 Para[0015] or mobile communication network (base) to mobile station)

Transmitting multicast data on a point-to point channel (Pg 2 Para [0026] to Pg 3 Para [0034])

Said Mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data (Any network with a central architecture per Pg 1 Para[0015] or mobile communication network (base) to

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mobile station. The central site or base station response from a request from the mobile to switch from a point-multipoint to point-point channel based upon channel sounding per Pg 2 Para [0026] to Pg 3 Para [0034])

Ayyaggari does not expressly call for: said mobile communication network estimating a link quality of a point-to-point-multipoint channel or a software program product

Toshiyuki teaches: said mobile communication network estimating a link quality of a point-to-point-multipoint channel (col. 7 lines 13 to col. 8 line 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add mobile communication network estimating a link quality of a point-to-point-multipoint channel of Toshiyuki in place of the channel sounding of Ayyaggari because measurement of the interference is a method of channel sounding .

The combination of Ayyaggari and Toshiyuki do not expressly call for: a software program product.

It is within the level of one skilled in the art to implement the method of the combination of Ayyarrari and Toshiyuki in logic or software product because method requires software program to be encoded as instructions on a computer readable associated with a processor in order to be performed.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ayyaggari

(Patent Pub No.: US2004/0064508) in view of Toshiyuki (U.S. Patent No.: 5,093,924) further in view of Onouchi (Patent Pub No.: US2001/0024428)

Referring to claim 17, the combination of Ayyaggari and Toshiyuki teach the method of claim 14 and mobile communication network order said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving multicast data by means of a switch order wherein the which order provides parameter for said point-to-multipoint channel to said mobile station (Base station sends the beam number or parameter on which beam to switch to per Toshiyuki per col. 7 line 13 to col. 8 line 37)

The combination of Ayyaggari and Toshiyuki do not expressly call for: releasing the channel

Onouchi teaches: releasing the channel per Pg 1 Para [005]

It would have been obvious to one of ordinary skill in the art at the time of the invention to add releasing the channel of Onuchi to the mobile communication system switching of the

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combination Ayyaggari and Toshiyuki in order to build a system which efficiently utilizes channel resources.

10. Claim 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkubo (Patent Pub No.: US2001/0046877) in view Ayyaggari (Patent Pub No.: US2004/0064508) further in view of Toshiyuki (U.S. Patent No.: 5,093,924)

Referring to claim 19, Ohkubo teaches: a sub-network (11 per Fig 1) of a mobile communication network (Fig 1) said a sub-network (11 per Fig 1) comprising:

Transmitting portion for transmitting multicast data using at least one of a point-to-point and point-to-multipoint channel (3 per Fig 1)

a processing portion (16 per Fig 1) for estimating the link quality of a point-to-multipoint channel while said transmitting portion uses a point-to-point channel for transmitting multicast data to said mobile station

Ohkubo does not expressly call for: for ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data in case said estimated link quality lies above a required threshold

Ayyaggari teaches: Mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data (Any network with a central architecture per Pg 1 Para[0015] or mobile communication network (base) to mobile station. The central site or base station response from a request from the mobile to switch from a point-multipoint to point-point channel based upon channel sounding per Pg 2 Para [0026] to Pg 3 Para [0034])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data of Ayyagari in order to build a communication system which sends data point to point versus point to multipoint

The combination of Ohkubo and Ayyaggari do not expressly call for: in case said estimated link quality lies above a required link quality

Toshiyuki teaches: in case said estimated link quality lies above a required link quality (col. 7 lines 13 to col. 8 line 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add in case said estimated link quality lies above a required link quality of Toshiyuki to the system of

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the combination of Ohkubo and Ayyaggari in order to build a system which minimizes interference by switching channels.

Referring to claim 20, Ohkubo teaches: a mobile communication system (Fig 1) comprising a mobile station (21 per Fig 1) and a sub-network (11 per Fig 1) of a mobile communication: network (Fig 1)

said mobile station (21 per Fig 1) including:

A measuring portion (22 per Fig 1) for performing link quality related measurements on a point-to-multipoint channel via which said mobile station receives multicast data from a mobile communication network (11 per Fig 1)

A Processing portion (22 per Fig 1) for determining a link quality of a point-to-multipoint channel based on a measurement result provided by said measuring portion and for comparing a determine link quality with a given link quality

Transmitting portion for transmitting for transmitting measurements results of said measuring subnetwork (23 per Fig 1 transmits power parameter per Pg 2 Para [0029] to Pg 3 Para[0040])

And wherein said subnetwork (11 per Fig 1) including:

Transmitting portion for transmitting multicast data using at lease one of a point-to-point and point-to-multipoint channel (3 per Fig 1)

a processing portion (16 per Fig 1) for estimating the link quality of a point-to-multipoint channel while said transmitting portion uses a point-to-point channel for transmitting multicast data to said mobile station

Ohkubo does not expressly call for: Mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data in said case said estimated link quality lies above a required link quality

Ayyaggari teaches: Mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data (Any network with a central architecture per Pg 1 Para[0015] or mobile communication network (base) to mobile station. The central site or base station response from a request from the mobile to switch from a point-multipoint to point-point channel based upon channel sounding per Pg 2 Para [0026] to Pg 3 Para [0034])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Mobile communication network ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data of Ayyagari in order to build a communication system which sends data point to point versus point to multipoint

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The combination of Ohkubo and Ayyaggari do not expressly call for: in case said estimated link quality lies above a required link quality

Toshiyuki teaches: in case said estimated link quality lies above a required link quality (col. 7 lines 13 to col. 8 line 37)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add in case said estimated link quality lies above a required link quality of Toshiyuki to the system of the combination of Ohkubo and Ayyaggari in order to build a system which minimizes interference by switching channels.

In addition Ohkubo teaches

Regarding claim 21, wherein the mobile station further includes a measuring portion (22 per Fig 1) for performing link quality related measurements on a point-to-point channel via which said mobile station receives the multicast data from said subnetwork and a transmitting portion (23 per Fig 1) for transmitting measurements results of said measuring portion and
Wherein said sub-network further includes:

A receiving portion for receiving from said mobile station measurement results on the link quality of the point-to-point channel employed by said sub-network for transmitting multicast data to said mobile station (12 per Fig 1) said processing portion (16 per Fig 1) estimating the link quality of said point-to-point multipoint channel from measurement results received by said receiving portion from said mobile network

Conclusion

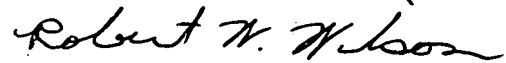
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. VU can be reached on 571/272-73155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Robert W Wilson
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